

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SEAN MATTHEWS, Derivatively on Behalf	§	Civil Action No. 4:11-cv-02706
of HERCULES OFFSHORE, INC.,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	
	§	
JOHN T. RYND, et al.,	§	
	§	
Defendants,	§	
	§	
– and –	§	
	§	
HERCULES OFFSHORE, INC., a Delaware	§	
corporation,	§	
	§	
Nominal Defendant.	§	
	§	

STIPULATION AND [PROPOSED] ORDER REGARDING VOLUNTARY DISMISSAL

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

WHEREAS, the above-captioned purported shareholder derivative action brought on behalf of nominal party Hercules Offshore, Inc. (“Hercules” or the “Company”) is currently pending before this Court;

WHEREAS, on March 30, 2016, the United States Bankruptcy Court for the District of Delaware, the Honorable Kevin J. Carey presiding, entered a Final Decree closing the Chapter 11 bankruptcy reorganization proceedings involving Hercules;

WHEREAS, in light of the bankruptcy, plaintiff’s purported derivative claims against defendants have been extinguished;

WHEREAS, plaintiff seeks voluntary dismissal of the action under Rule 41(a)(2) of the Federal Rules of Civil Procedure;

WHEREAS, defendants consent to the voluntary dismiss of the action with prejudice; and

WHEREAS, no defendant in this action has entered into a settlement with plaintiff in connection with this voluntary dismissal and neither plaintiff nor his counsel has received, nor will receive, any form of consideration from any defendant in exchange for the dismissal of this action.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties, by and through their respective counsel of record, as follows:

1. The action shall be dismissed with prejudice; and
2. Each party shall bear its own attorneys’ fees, costs and/or expenses.

DATED: September 30, 2016

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DATED: September 30, 2016

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[PROPOSED] O R D E R

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____

THE HONORABLE LYNN N. HUGHES
UNITED STATES DISTRICT JUDGE